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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,156	11/20/2000	Thomas Mason	2154/4/00	6732

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EXAMINER

D'ADAMO, STEPHEN D

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/716,156

Applicant(s)

MASON ET AL.

Examiner

Stephen D'Adamo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10-24-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-20-2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 11-20-2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

U.S. Patent 5,829,837 is not included in the application

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

U.S. Patent 226,156 is not listed in the Information Disclosure Statement

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the distance "D" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

All claims lack antecedent basis for “said back portion frame” beginning on line 23, first page.

All claims lack antecedent basis for “said seat portion frame” beginning on line 8, second page.

Claim 1 lacks antecedent basis for “the midpoint” beginning on line 14, second page.

Claim 1 lacks antecedent basis for “said seat portion frame member” beginning on line 17, second page.

Claim 1 lacks antecedent basis for “the/said bleacher seat plank” beginning on line 21, second page.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On page 3, line 14 of claim 11, “greater than the standard width of bleacher seating” is vague and unclear.

***Claim Objections***

5. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 recites the identical mathematical relationship as claim 1, line 1, third page.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gleckler et al (4,772,068).

Gleckler discloses In Figures 1 and 7 an adjustable chair, including all the features of the claimed invention. The chair has an elongated rod 12, 39 attached to a “U”-shaped seat frame 11, 37 and a “U”-shaped back frame 15, 42. The seating surface has two lateral arms 20, 43 joined to the back frame by fasteners 21. The forward and rear leg members join the armrest in the proper locations with fasteners 31, 37 and 19, 45. Moreover, the telescoping features of Gleckler accommodate the ratio limitations with the forward member and rear member, as claimed in both claim 1 and claim12.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleckler et al (4,772,068) in view of Lippert (3,994,529).

Gleckler discloses an adjustable chair including most of the mechanical features in the present invention. However, Gleckler fails to include details in the construction elements and fabrics used on the chair. In regards to claims 3 and 7-10, Lippert discloses a stadium seat with "tubular members of aluminum" (col.2, line 24). With regards to claims 4-6, Lippert also teaches of "fabric strips 25 and 26 interwoven and connected to the members 22-24, as shown [in Figure 1]. The fabric may consist of plastic material" (col.2, lines 21-23). Lippert further teaches in col. 1, lines 58-64, "the chair assembly has utility not only as a stadium chair but also as a beach or lounge chair; further, the chair assembly is characterized by simplicity, portability, and collapsibility, light weight construction, ease of set up and collapse in each of its utility modes; adaptation to different size stadium seats or benches, and high strength." It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the different materials for fabrics and tubular frames, as taught by Lippert, for modifying Gleckler's adjustable chair. Furthermore, from Lippert's teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Gleckler's chair from other utilities, keeping the same structure.

Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleckler et al (4,772,068) in view of Sudbury Taylor Rental.

Regarding claim 11, Gleckler discloses the structure, as rejected above for claims 1 and 12, however, Gleckler does not teach of a method for renting the chairs. Sudbury Taylor

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Rental teaches of renting chairs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rent the chairs Gleckler, as taught by Sudbury Taylor Rental.

In regards to claims 13-15, the method disclosed for renting is old and well known. The office takes official notice that the method of using a computer for storing data, a scannable bar code, a bar code reader, a credit card transaction, and an electronic signature are old and well known in the art and would have been obvious to use with the method of renting Gleckler's adjustable chairs.

#### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartman, Hopkins, Cornell, Mattison, Jr., Chun-Yueh, Huang, Jenkins, Humble et al, Mustapick, Lucero, Markman, Georgia Film & Video Sourcebook, and former President Bill Clinton all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 7:00-4:30, 2nd Friday 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1018.

SD

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November 14, 2002

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600